

## REMARKS

This Amendment is made in response to the Office Action dated March 22, 2005. Claims 1-5 and 32-40 are pending. By this Amendment, Applicants have amended claims 1, 2 and 3 to overcome the claim rejection under 35 U.S.C. 112, second paragraph. Claims 33 and 35 have been amended to correct the elements of the Markush group recited in these claims. New claims 41-43 are being presented. Applicants have carefully reviewed the arguments presented in the Office Action and respectfully request reconsideration of the claims in view of the remarks presented below.

Applicants initially note that the Abstract of the Invention has been amended to reduce the number of words in length to less than 150 as requested by the Examiner. The Abstract also has been amended to describe the particular aspects of the presently claimed inventions.

The Examiner has rejected claims 1-5 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As noted above, claims 1, 2 and 3 have been amended to overcome this rejection. These amendments were made to simply clarify the presently claimed invention and were not made to distinguish the presently claimed invention over the prior art. In fact, Applicants note that the Examiner has not cited any prior art against claims 1-5. Accordingly, Applicants believe that these claims are now in a condition for allowance.

Claims 32-39 were rejected under the judicially created doctrine of obviousness-type double patenting over U. S. Patent No. 6,511,496. For the same reason, claim 40 was reject as well under this patent in view of U. S. Patent No. 6,663,652. Applicants present herewith a terminal disclaimer in compliance with 37 CFR 1.321 (c) in order to over this rejection.

Claims 32-40 were rejected under 35 U.S.C. 102 (e) as being anticipated by U.S. Patent No. 6,663,652 to Daniel et al. (the "Daniel patent"). Applicants, however, strongly disagree with the Examiner's position regarding the device described in the Daniel patent. The only mention in the Daniel patent of the use of heparin is found at Column 19, lines

1-5. This portion only states that the devices could be coated with an anti-thrombotic material such as heparin. However, heparin is not a polymeric material and does not support at least the Examiner's rejection of claims 32-39. Applicants are aware that heparin was incorrectly presented in the Markush group of original claims 33 and 35. However, Applicants have now amended these claims to delete heparin as a polymeric material in the Markush group. Therefore, for at least this reason alone, the Daniel patent fails to disclose all of the elements recited in the pending claims.

It is noted that other aspects of the presently claimed invention are not disclosed in the Daniel patent. For example, the Daniel patent fails to describe the depositing of polymeric material on the strut assembly at all and certainly does not describe the depositing of polymeric material on low strain regions of the strut assembly as is recited in claims 36, 37 and new claim 42. The Daniel patent doesn't even address the problems associated with high and low strain regions in a filter assembly. Again, for at least this additional reason alone, the Daniel patent fails to disclose the presently claimed invention of claims 36, 37 and 42.

Claims 38-40 and new claim 43 recite the selective application of a substance on portions of the strut assembly proximal to the filter. The Daniel patent simply fails to describe a selective application of a substance to the filter assembly. The Daniel patent simply states that an anti-thrombotic material could be coated to the device. Also, the Daniel patent simply does not recognize the advantages of coating the struts with a substance having a coefficient of friction that is less than the coefficient of friction of the material forming the strut assembly in order to prevent embolic material from sticking to the struts. Again, for at least this additional reason, the Daniel patent fails to disclose the presently claimed invention of claims 38-40 and 43.

The Examiner has cited two references which he believes show the use of PTFE and polyimide to prevent clotting. However, there is no reason why these references have any significance to the pending claims as the Examiner has not raised these references in an obviousness-type rejection. However, in U.S. Patent No. 5,928,260, PTFE is simply used as a liner for a tubing that forms a portion of a delivery system that

treats an aneurysm neck. This liner is not exposed to bodily fluid and there would be no reason why one skilled in the art would combine it with the limited teachings of the Daniel patent. The other reference, U. S. Patent No. 6,468,291, is not even prior art to the pending application.

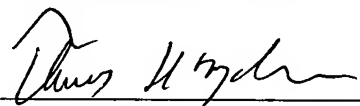
For at least the foregoing reasons, the presently claimed inventions of claims 32-43 are not shown in the Daniel patent. Accordingly, Applicants respectfully request the Examiner to withdraw the Daniel patent as an anticipatory reference.

In view of the foregoing, it is respectively urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:   
Thomas H. Majcher  
Registration No. 31,119

THM:kh

Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
Telephone: (310) 824-5555  
Facsimile: (310) 824-9696  
Customer No. 24201  
86070.1